

PUBLIC HEARING—Jan/ 13, 1965

Appeal #8035 Aaron and Sally Riskin, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on January 13, 1965:

ORDERED:

That the appeal to change a nonconforming use from coal and wood yard and office to a concrete construction materials storage yard at 919-923-925 12th Street, N.E., lots 58, 802 and 803, square 1002, be dismissed for lack of jurisdiction for the following reasons:

(1) The last use of record was a nonconforming coal and wood yard located in a C-2 District. A coal and wood yard is a C-M use.

(2) When acquired by this appellant there was a building on the property which he was directed by another law to repair or remove as it was found to be unsafe. He elected to remove it. In so doing the use became a nonconforming Class I use of land.

Section 7103—Use Classifications, paragraph 7103.3 of the Zoning Regulations reads as follows:

"7103.3 A Class I nonconforming use shall be deemed to include the use of land not involving a structure or the use of land involving structures which are incidental to the use of the land."

Section 7104—Change of Nonconforming Use, paragraph 7104.1 of the Zoning Regulations reads as follows:

"7104.1 A Class I nonconforming use may be changed only to a use permitted in the district in which such nonconforming use is located."

Since the regulations under Section 7104 and 7103 prohibit any change of a Class I nonconforming use, the use of the property is now limited to the coal and wood yard (for which a valid permit will issue) and to only such uses which are permitted as a matter-of-right in the C-2 District. On the basis of the facts this ruling is mandatory under applicable law.